

1 Joseph J. Sperber IV
2 NY State Bar No. 2662526
3 United States Department of Justice
4 Civil Rights Division
5 Employment Litigation Section
6 950 Pennsylvania Avenue, N.W.
7 Washington, D.C. 20530
8 Telephone (202) 598-9249
9 Facsimile (202) 514-1005
10 Email joseph.sperber@usdoj.gov

11 Attorney for the United States

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13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA,

15 CASE No. 3:24-cv-00026-MMD-CLB

16 Plaintiff,

17 v.
18 STATE OF NEVADA, *et al.*
19 Defendants.

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27 1. On January 17, 2024, Plaintiff, the United States of America (“United States”),
28 filed a complaint (Doc. 1) in this action to enforce the provisions of the Uniformed Services
29 Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 et seq. (“USERRA”).

30 2. The complaint alleges that Defendants, the State of Nevada (“Nevada”), the
31 Office of the Attorney General of the State of Nevada (“Nevada AG”) and the Public
32 Employees’ Retirement System of the Nevada (“NVPERS”) (collectively, “Defendants”),
33 violated 38 U.S.C. § 4318 of USERRA by denying Nevada state employee Charles Lehman, and
34 other similarly-situated employees, proper pension benefits upon their reemployment after
35 military service.

36 3. On March 19, 2024, Defendants filed Motions to Dismiss Plaintiff’s Complaint
37 for failure to state a claim upon which relief can be granted. Docs. 20 (Defendant NVPERS

Motion) and 25 (Defendants' Nevada and Nevada AG Motion).

4. Currently, the United States' responses to the pending Motions to Dismiss are due April 2, 2024, and Defendants' replies are due April 9, 2024.

5. Counsel for each of the parties have discussed the timing of briefing for the pending Motions to Dismiss.

6. The extension of deadlines is requested so that complex issues raised by Motions to Dismiss may be properly and fully addressed.

7. All Defendants, through counsel, have consented to the United States' Motion for Extension of Time for briefing on the Motions to Dismiss.

8. The United States, with the consent of Defendants, respectfully requests that the Court extend the deadlines for the United States' briefing in response to Defendants' Motions to Dismiss and the Defendants' replies to the United States' responses.

9. This is the first motion for an extension of the briefing deadlines with respect to the Motions to Dismiss.

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10. The United States respectfully requests that the Court order the United States' responses to the Motions to Dismiss be due on April 23, 2024.

11. The United States respectfully requests that the Court order the Defendants' reply briefs be due on May 10, 2024.

Respectfully submitted this 26th day of March 2024.

/s/ Joseph J. Sperber IV
JOSEPH J. SPERBER IV
Trial Attorney
United States Department of Justice
Civil Rights Division
Employment Litigation Section

Attorney for the United States

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: March 26, 2024

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2 CERTIFICATE OF SERVICE
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4 I certify that on the 26th day of March 2024, I used the Court's electronic filing system to
5 file a true and correct copy of the foregoing, which will send notification of such filing to the
6 following attorneys of record:
7

8 For Defendant the Public Employees'
9 Retirement System of Nevada
10

11 Ian E. Carr
12 Nevada Attorney General
13 100 North Carson Street
14 Carson City, NV 89701
15

16 Samuel I. Levin
17 David N. Levine
18 Groom Law Group
19 Suite 1200
20 1701 Pennsylvania Avenue, N.W.
21 Washington, DC 20006
22

23 For Defendants the State of Nevada and the
24 Office of the Attorney General of Nevada
25

26 Iva K. Todorova
27 Marni Rubin Watkins
28 Navada Attorney General
29 Suite 3900
30 555 East Washington Avenue
31 Las Vegas, NV 89101
32

33 Dated: March 26, 2024, in Washington, D.C.

34 _____
35 /s/ *Joseph J. Sperber IV*
36 JOSEPH J. SPERBER IV
37 Attorney for Plaintiff
38 The United States of America
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